

# **APPROACHES TO CONSUMER PROTECTION WITHIN THE APEC REGION**

## **Report of the Electronic Commerce Steering Group**

### **October 2002**

#### **A. Introduction**

The global electronic environment allows consumers and businesses to transact easily, cheaply and quickly across increasingly invisible national borders.

APEC economies acknowledge the value of electronic commerce as a means of advancing sustainable economic growth in the Asia-Pacific region. Endorsing the Blueprint for Action, APEC Ministers recognised “the enormous potential of electronic commerce to expand business opportunities, reduce costs, increase efficiency, improve the quality of life, and facilitate the greater participation of small business in global commerce”.

Well-placed and realistic consumer trust in the online environment and in the businesses trading in that space is vital for the full potential of e-commerce to be realised. A key consumer issue is the application of consumer protection law to e-commerce transactions, particularly those transactions which occur across national borders. The development of compatible approaches to consumer protection will work towards the resolution of this issue, and will foster a regional environment conducive to e-commerce.

A first key step in achieving this environment is to obtain a better understanding of consumer protection initiatives within economies. The Electronic Commerce Steering Group (ECSG) has facilitated this through its work programme since its July 2000 meeting in Bangkok, when it held the first APEC workshop on consumer protection in the online environment.

This report collates the responses provided by 15 member economies to two surveys conducted during 2000 and 2001. Based on detailed information provided to date, it provides an overview of existing frameworks for consumer protection in business to consumer (B2C) online transactions, including the roles of national agencies and their interaction with business and NGOs. It also gives an overview of aspects of consumer protection statutes, their application to Internet transactions, enforcement mechanisms and limitations on jurisdiction.

Annexed to this report is a series of comparative tables, which show the approaches of the 15 economies at a glance. Also annexed is a list of links to online resources and organisations within various APEC economies. A compilation of the information provided by economies in response to the two surveys will be made available to the ECSG after its August 2002 meeting. This information should act as a resource for all economies considering their approaches to consumer protection.

The ECSG submits this report to Ministers for their consideration and recommends that Ministers endorse the need for meaningful and effective online consumer protection across the APEC region.

## B. Consumer protection in the APEC region

Most economies indicated that consumer protection is achieved through any one or more of enforcement of laws, advocacy or intervention by NGOs, or self-regulatory mechanisms. Often these approaches complement each other.

Although a wide variety of laws have a consumer protection focus, this paper concentrates on those laws which regulate or impact on transactions between businesses and consumers in the electronic environment.

### B.1 Consumer protection laws

Almost all of the 15 economies which responded to the two surveys indicated that they have laws relating to fraud and deception. These laws target the practices and scams which harm consumers financially. For example, consumers might be induced to invest in a non-existent deal, or to send away money so they can claim a non-existent prize.

Most economies also indicated that they had laws relating to marketing and advertising practices. Many of these laws target practices that may mislead or deceive consumers as to the composition, quality, or brand of goods or services.

Some economies indicated that their consumer protection laws are technology-neutral, which means they apply to both electronic and real-world transactions.<sup>1</sup>

Eight economies indicated that they have legislation relating to door-to-door sales, or to mail order or distance selling.<sup>2</sup> Mail order or distance selling laws typically have Internet application.<sup>3</sup>

A number of economies indicated that they had other consumer protection laws. There are some similarities. For instance:

- **Unfair trading practices** – Australia, Korea, New Zealand, Thailand and the United States of America have a general prohibition on ‘unfair’ trading or marketing practices.
- **Pyramid selling and/or multi-level marketing** is specifically restricted in a number of countries, including Australia, Hong Kong, Korea, New Zealand, Singapore, and Thailand.
- There are laws regarding **unfair and/or unconscionable contract terms** in Australia, Brunei, Hong Kong, Japan, Korea, Singapore, Chinese Taipei, and Thailand.
- **Consumer guarantees** – Australian, New Zealand, Russian, and Singapore law implies certain guarantees of quality into sales of goods and/or services.
- **Privacy** - Australia and New Zealand both have laws addressing the privacy of natural persons. The United States of America has law addressing children’s privacy online. There are also some developments in Mexico related to privacy.<sup>4</sup>

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<sup>1</sup> See, for instance: Australia; China; Hong Kong, China; Japan; Korea; Mexico; New Zealand; Russia; Thailand; and the United States of America.

<sup>2</sup> Japan, Korea, Mexico, New Zealand, Russia, Chinese Taipei and the United States of America. Australia also has door-to-door sales legislation at the State level.

<sup>3</sup> See, for instance: Japan, Korea, Mexico, Russia, Chinese Taipei, and the United States of America.

<sup>4</sup> The Mexican Congress is discussing proposals to develop a law on privacy. In addition, PROFECO is working towards reforming the Federal Consumers Protection Law to include specific dispositions regarding privacy.

## **B.2 Consumer protection in the electronic environment**

As noted above, most economies indicated that their consumer protection laws have at least some application in the electronic environment. A number of economies have passed, or are in the process of developing, laws which will facilitate e-commerce transactions, such as laws concerning electronic signatures.<sup>5</sup>

Few economies indicated that they had passed any laws attempting to regulate spamming. Korea has law restricting the transmission of advertising material against a person's explicit rejection of the material. Japan has so-called "Opt-out" regulations for spamming. Mexico's Federal Law for Consumer Protection protects consumers from unsolicited advertising material. PROFECO is considering what application this provision might have in respect of spam. Both Australia and New Zealand noted that their privacy laws can restrict opportunities for spamming within their jurisdiction. Russia is engaged in domestic discussions about preventing spam and the harm associated with it.

## **C. Enforcement**

Enforcement is an important element of a consumer protection regime. Enforcement can serve a number of purposes, which tend to be interrelated. It can be used to educate businesses as to the boundaries of consumer-appropriate practices, and it can help consumers understand their rights. Penalties, publicity, and enforcement action can deter businesses from non-compliance. Enforcement can also be an avenue of redress for consumers so they can recoup their losses or be compensated for loss and inconvenience.

### **C.1 Law enforcement actions by consumer protection agencies**

Economies were asked to provide information about law enforcement mechanisms available to their consumer protection agencies. Law enforcement mechanisms were defined very broadly for this purpose, and include: any government action that results in fines or penalties; an agreement by a trader to halt fraudulent or deceptive practices; or a court or administrative order to halt fraudulent or deceptive practices.

The responses indicate that consumer protection laws tend to be implemented and enforced using a variety of tools, ranging from consumer and business education to criminal sanctions. Almost all of the economies indicated that they use education as one means of improving compliance. Some economies have specialised enforcement agencies with coercive and/or punitive powers. Others enforce consumer protection laws through the courts system. Some of the different approaches are highlighted below.

Some economies have established agencies to investigate complaints received from consumers.<sup>6</sup> The number of complaints received can help enforcement agencies to prioritise matters for investigation.

While almost all economies have established criminal penalties in relation to breaches of some consumer protection laws, a significant number have also provided for civil remedies.<sup>7</sup>

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<sup>5</sup> These include: Australia; Hong Kong, China; Japan; Korea; New Zealand; the Philippines; Russia; Chinese Taipei; Thailand; and the United States of America.

<sup>6</sup> These include: Australia; Hong Kong, China; Korea; Mexico; New Zealand, the Philippines; Russia; Chinese Taipei; Thailand; and the United States of America.

Generally, criminal penalties will be imposed through the courts system, following intervention by an enforcement agency. A number of economies have also vested the power to impose civil penalties and obtain injunctions in their enforcement agencies. For instance:

- In China, administrative departments can take action against companies which breach consumer protections by, for instance, revoking business licences.
- In Japan, the Ministry of Economy, Trade and Industry can issue orders to correct improper activity, shut down the business and order the payment of fines. The Fair Trade Commission has the power to issue injunctive orders under the Act against Unjustifiable Premiums and Misleading Representations.
- In Mexico, PROFECO (the Federal Consumers Attorney's Office) may impose administrative fines.
- In Chinese Taipei, fines and administrative punishments may be imposed by responsible central agencies and local governments. Fines can be enforced through the courts if necessary.
- In the United States, the Federal Trade Commission (FTC) can obtain an administrative cease and desist order. Violation of such orders can subject a company to civil penalties.

Some enforcement agencies may seek civil and/or criminal orders before the courts. For instance:

- In Australia, the Federal Court may grant a number of criminal sanctions and civil remedies, including fines, injunctions, damages, remedial and corrective advertising, and other orders such as specific performance, recession and variation of contracts.
- In New Zealand, civil or criminal actions can be brought by the Commerce Commission in the courts, which can impose fines and grant a wide variety of orders.
- Prosecution agencies in the Philippines can bring criminal prosecutions against traders.
- In the United States, the Federal Trade Commission (FTC) can obtain court orders: barring deceptive practices; imposing various kinds of equitable relief (i.e. restitution and rescission of contracts) to remedy past violations; and obtaining asset freezes and the appointment of receivers in order to preserve the possibility of monetary equitable relief for consumers.

Taking action before the courts is only one way of enforcing compliance. Some economies have found that naming non-compliant businesses can have a deterrent effect and serve to educate consumers. This tool has been built into some enforcement processes. For instance:

- In Hong Kong, the Consumer Council can investigate consumer complaints and publicly "name" traders to alert consumers of malpractice. This Council attends to consumer complaints relating to e-commerce where there is no other law applying to the conduct.
- In Mexico, PROFECO has a "black record" of suppliers which have had more than 10 complaints lodged against them. Before being named on the black record, suppliers are invited to join PROFECO's program for the Improvement of the Quality on Goods and Services, which aims to help suppliers to improve. The ten with the worst performance will be named on the black record if their conduct continues.

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<sup>7</sup> These economies include: Australia; Korea; New Zealand; the Philippines; Singapore; Chinese Taipei; Thailand; the United States of America; and Vietnam.

## **C.2. Dispute resolution and consumer redress**

An important issue for consumers is to get their money back, or obtain compensation for their loss. Consumer protection laws and general contract laws may allow consumers to bring actions seeking remedies. For instance, if a consumer can sue a business in court, the court may award compensation or other relief such as rescission of the contract, variation of contractual terms, restitution, or specific performance.<sup>8</sup> These remedies may also be supported by interim relief, such as freezing assets, to ensure that compensation orders can result in tangible relief.

However, civil proceedings before the courts are not always an optimal solution for consumer disputes, particularly those arising out of online consumer transactions, which tend to be high-volume and low-value. The cost of initiating proceedings and enforcing the outcome may outweigh the amount in dispute.

APEC economies have taken a variety of approaches to address this situation.

### **Alternative dispute resolution in the private sector**

A number of APEC economies recognise or encourage the use of alternative dispute resolution (ADR) mechanisms. ADR can provide consumers with low cost, accessible dispute resolution that crosses national borders more easily than court ordered remedies.

The private sector can play a key role in developing and implementing ADR mechanisms, and some APEC economies already use private sector mechanisms to facilitate dispute resolution for consumers.

### **Class actions**

While some consumer protection laws may provide for consumers to seek civil remedies through the courts, the costs involved in taking legal action can deter consumers from doing so. However, class actions can reduce this cost barrier as the cost of legal fees can be paid out of a settlement or cost award and will be shared between the plaintiffs.

Few economies have indicated that class actions are permitted in their jurisdictions. Those that do allow them include Australia, Mexico, the Philippines, Russia, Chinese Taipei, and the United States. Brunei's Supreme Court Rules allow for representative proceedings to be brought in certain circumstances. New Zealand permits class actions where the person initiating the action does so with the consent of other interested parties, or at the direction of the Court.

### **Public sector dispute resolution bodies**

Some economies have attempted to facilitate dispute resolution for consumers by providing for publicly funded consumer protection bodies to conciliate disputes. For instance:

- In Mexico, consumers may file claims arising out of consumer contracts to PROFECO, which may seek to resolve those claims through conciliation. Conciliation services are provided free of charge to the parties concerned. If a settlement agreement is approved by PROFECO and is consistent with the law, it is final and conclusive. If a claim cannot be resolved through conciliation, the parties may appoint PROFECO to arbitrate the claim free of charge. The arbitration award is binding on the parties.

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<sup>8</sup> Civil remedies are available in Australia, China, Japan, Korea, Mexico, New Zealand, the Philippines, Russia, Singapore, Chinese Taipei, Thailand, the United States and Vietnam.

- In Hong Kong, China, the Consumer Council uses conciliation, mediation, and public naming of businesses to obtain consumer remedies and encourage compliance.
- In New Zealand and Australia, most privacy-related consumer complaints are resolved through conciliation by the Privacy Commissioner, who is required by statute to attempt to conciliate complaints. In New Zealand, while other consumer protection statutes do not **require** conciliation to be attempted, in many cases consumers will be able to access the Disputes Tribunals, which provide low-cost and low-level dispute resolution for a variety of disputes.
- In the Philippines, attempts are made to settle consumer complaints. If settlement cannot be achieved, the case is scheduled for formal hearing by the Consumer Arbitration Officer. If, after the hearing, the respondent is found guilty of the charge, appropriate penalties are imposed, including administrative fines.

One economy has also developed ADR procedures specifically for foreign consumers who have a dispute with a domestic business. In Mexico, the Foreigners Conciliation Board has been established within PROFECO, the Federal Consumers Attorney's Office. Foreign consumers can submit complaints against a domestic business via PROFECO's website. The Board will then attempt to conciliate the dispute with the business concerned, and represents the consumer's interest in that process.

### **Redress actions by enforcement agencies**

Some economies have authorised their consumer protection enforcement agencies to seek redress in court on behalf of consumers, as discussed in section C.1. above.

## **D. Dealing with cross-border transactions**

The growth in e-commerce is posing challenges for regulators, consumers, and businesses as consumers increasingly transact across borders. Economies were asked whether consumer protection agencies had the authority to protect foreign consumers or to take action against domestic businesses who harmed foreign consumers. Economies were also asked whether consumer protection agencies had entered into co-operation agreements with their foreign counterparts.

### **D.1 Jurisdiction of consumer protection agencies**

As consumers are increasingly buying goods from foreign web sites, consumer protection agencies are seeing a rise in the number of problems, particularly with fraudulent and deceptive marketing practices taking place across borders. The ECSG survey sought information about:

1. Whether consumer protection agencies in APEC economies had jurisdiction to protect domestic consumers from foreign businesses; and
2. Whether they had jurisdiction to take action against domestic businesses injuring foreign consumers.

### **Criminal penalties**

The application of criminal law is essentially territorial – criminal law will apply to acts done within the territory, whether that act is committed by a domestic or a foreign business. Some economies assert criminal jurisdiction over domestic businesses who deal with foreign

consumers.<sup>9</sup> This may give foreign consumers a measure of protection when dealing with businesses in those economies.

Criminal jurisdiction will sometimes be asserted where the effects of an act are felt within a territory. However, there are practical difficulties with giving effect to this against a foreign business which does not have a legal presence in the territory. Thus, there are limited circumstances under which criminal law enforcement authorities will take action against foreign businesses who deal with domestic consumers.

### **Civil remedies**

Some consumer protection laws allow enforcement agencies to take civil enforcement action, which may include seeking injunctions and other forms of mandatory relief, such as consumer redress, civil penalties, or disgorgement.

Some economies allow their consumer protection agencies to apply their consumer protection laws to domestic businesses dealing with foreign consumers.<sup>10</sup> This can give foreign consumers more ready access to redress. Rather than having to take civil action at home and seeking to enforce it abroad, which can be both difficult and expensive, consumers can simply notify the relevant law enforcement agency, which may be able to investigate the matter and seek mandatory relief.<sup>11</sup> A number of economies also assert civil jurisdiction over foreign businesses if they carry on business within the economy's territory or supply goods or services to domestic consumers.<sup>12</sup>

## **D.2 Cross-border co-operation**

Cross-border co-operation by enforcement agencies can enhance enforcement of consumer protection laws. It can also help enforcement agencies to identify trends in cross-border scams, and to target investigations in the most appropriate jurisdictions.

Enforcement agencies do not typically co-operate in support of consumers bringing actions for civil remedies, although some economies may have empowered their enforcement agencies to bring claims on behalf of affected consumers.

A number of economies have indicated that their enforcement agencies have entered into co-operation agreements.<sup>13</sup> Six economies participate in the International Marketing Supervision Network (IMSN) and, more specifically, in *econsumer.gov*, which is a pilot project run by the IMSN.<sup>14</sup> *Econsumer.gov* focuses on cross-border e-commerce B2C transactions, and provides an online portal for consumers to obtain information about the approaches to enforcement of consumer protection law within the participating countries, and on how to make a complaint online. Consumers consent to this information being viewed and used by

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<sup>9</sup> See, for instance: Australia; Hong Kong, China; Japan; the Philippines; Russia; and Thailand.

<sup>10</sup> These include: Australia, China, the Philippines, Singapore, Russia, Thailand and the United States of America. New Zealand's law requires that the conduct relate to the supply of goods *in* New Zealand. If that conduct also affects foreign consumers, remedies may be available.

<sup>11</sup> For instance: the US Federal Trade Commission has awarded consumer redress to foreign consumers in at least 45 cases, amounting to USD 1,832,804. In Mexico, PROFECO can represent foreign consumers who have a dispute with a local business.

<sup>12</sup> See, for instance: Australia, China, Japan, Korea, New Zealand, Philippines, Russia, Chinese Taipei, Thailand, and the United States of America.

<sup>13</sup> Australia, China, Japan, Korea, Mexico, New Zealand, Russia and the United States of America.

<sup>14</sup> <http://www.econsumer.gov> The six economies are Australia, Japan, Korea, Mexico, New Zealand, and the United States of America.

the law enforcement agencies which participate in *econsumer.gov*. The consumer web page is supported by a secure database accessible only by participating agencies.

The project is intended to facilitate dialogue between agencies and to streamline investigations of complaints with an international dimension. The project is also intended to provide better information about the types and effects of cross-border frauds, which may help enforcement agencies to target their resources more effectively.

Domestic law may pose barriers to enforcement agencies entering into co-operation agreements. For instance, the wording of domestic laws may explicitly link enforcement powers to enforcement of a specific law. Depending on how narrowly these powers are drawn, this may preclude enforcement agencies from providing assistance in respect of matters which do not come within their own jurisdiction.

## **E. Building consumer protection in the online environment**

The success of e-commerce depends on the participation of both the private sector and governments in all economies. In the Blueprint for Action, Ministers agreed that the role of governments is to promote and facilitate the development and uptake of e-commerce by “providing an environment which promotes trust and confidence among e-commerce participants”. That environment can be fostered by giving guidance and assistance to business and by allowing self-regulation to flourish. The environment is enhanced by the presence of NGOs fulfilling a variety of roles.

### **E.1 Public sector initiatives supporting self-regulation**

One way in which economies can promote the uptake of e-commerce is to encourage the development of private sector self-regulation focused on consumer protection. Some economies have developed principles or codes of conduct to assist industry associations in developing self-regulatory schemes.

For instance, Australia has developed a best practice model: *Building Consumer Sovereignty in Electronic Commerce: A Best Practice Model for Business*. The Model is underpinned by Commonwealth consumer protection laws. New Zealand followed Australia by issuing the *New Zealand Model Code on Consumer Protection in Electronic Commerce*. The Model Code is underpinned by domestic consumer protection and privacy laws. These models are intended to be the foundation for self-regulatory systems for industry associations and individual businesses.

In addition, Australia has developed an Electronic Funds Transfer Code of Conduct, which was developed by a working group of government, industry and consumer representatives.

In Mexico, the Federal Law of Economic Competence can be used to support the development of private sector schemes.

In 2001, Thailand’s Electronic Commerce Resource Center (under the National Electronics and Computer Technology Center) proposed the *Guidelines on Consumer Protection for the Sale and Advertisement of Health Care Products through the Internet* in collaboration with the Food and Drug Administration (FDA) and the Faculty of Pharmaceutical Science at Chulalongkorn University.



## **E.2 Private sector self-regulation**

A number of economies indicated that there were private sector self-regulatory initiatives operating domestically. For instance:

- The Japan Direct Marketing Association and other business groups have started seal programmes based on self-regulatory guidelines.
- The Hong Kong Society of Accountants is developing a WebTrust programme, which is a seal programme for websites.
- The Korea Direct Marketing Association has marketing guidelines.
- In Mexico, the National Commission of Self-Regulation has an Advertising Ethics Code.
- In New Zealand, the Direct Marketing Association (DMA) and Advertising Standards Authority (ASA) have developed an Electronic Marketing Standards Authority (eMSA), which will operate a trustmark and dispute resolution process for members.
- The Future Business Bureau and Guild of Honest Business in Russia have developed a Code of Professional Ethics which includes consumer protection issues.
- CaseTrust in Singapore is an accreditation scheme supporting good business practices among store-based and web-based retailers.
- Businesses in Chinese Taipei engaged in e-commerce have developed and implemented self-regulatory seal programmes.
- BBBOnline in the United States has developed a Code of Online Business Practices. Businesses that join the Better Business Bureau's Reliability Seal Program must comply with this code.

A number of economies noted that the private sector has been working to develop consumer confidence in credit card transactions. These include:

- Compliance with credit card chargeback rules imposed by the credit card companies
- Using technology such as SET and SSL to protect cardholders (Hong Kong and the United States of America)
- Providing protections under law to cardholders (Mexico and the United States of America).

## **E.3 Non-government organisations**

Almost all economies were aware of NGOs working on issues related to consumer protection within their economies. The potential range of activities carried out by NGOs is very wide, and may include:

- Providing information to consumers (e.g. product reviews)
- Educating business and consumers on consumer issues
- Advocating to government agencies on consumer issues during policy development processes
- Advising and supporting consumers who are making complaints
- Conducting consumer surveys
- Monitoring the delivery of services and/or condition of goods
- Referring appropriate complaints to law enforcement agencies
- Sharing information about consumer complaints.

In China, NGOs investigate and deal with consumer complaints. Since 1984, they have settled 6 million cases, most of them on a one-to-one basis.

Some NGOs have close links with governments. For example, the government of Singapore provides financial backing to the Consumer Association of Singapore, which is a non-profit organisation.

In another model, the Consumer Council of Hong Kong is a statutory body which is independent of the Government. It is mainly funded by Government subsidies to promote consumer protection and examine consumer complaints.

Other NGOs, such as the Australian Consumers' Association, the Consumers' Institute (New Zealand), and the National Consumers' League (United States) are entirely separate from government and are self-funding. Their interaction with government is through lobbying and advocacy. The Consumers' Institute in New Zealand operates web-based consumer information functions on contract to the Ministry of Consumer Affairs. The National Consumers League (United States) compiles consumer complaints and shares that information with the US Federal Trade Commission.

Some NGOs specifically address online consumer protection. For example, in Japan, some NGOs provide advice and support to consumers who have trouble with online transactions. Consumer World in Korea provides a variety of information, including Cyber Consumer Council activities conducted with cyber consumer groups. In Chinese Taipei, there is the Consumers Foundation and the Internet Consumers Protection Association.

## **F. Conclusion**

This report gives an overview of how consumer protection is addressed in the APEC region. It is clear that APEC economies are committed to addressing consumer protection concerns within each economy, and that economies are already moving to meet the new challenges to consumer protection raised by e-commerce.

It is also clear that a number of these challenges are likely to be felt by all APEC economies. As B2C transactions increasingly cross national borders, it will become more important that disputes can be resolved across those borders. This may involve seeking ways of enhancing cross-border co-operation among consumer protection agencies, including through broader information sharing and greater authority to take action to halt cross-border misconduct and obtain redress on behalf of consumers. It may also involve seeking ways to overcome legal barriers to the recognition and enforcement of civil remedies across different jurisdictions, as well as encouraging the development of self-regulatory mechanisms and alternative dispute resolution across the region.

APEC economies can prepare to meet these challenges by continuing to engage with each other on consumer protection. This report should serve as a guide for continued discussions and should be widely publicised both within and beyond APEC, with relevant links to particular statutory provisions and consumer protection agencies, as it can serve as a useful tool for policy makers and businesses alike.

## COMPARATIVE TABLES (1)

On these tables, a tick (✓) denotes that the economy in question has responded positively; a cross (✗) denotes that a negative response was made; and a blank space indicates that no information was provided.

Country	National agencies			Consumer protection laws (Internet application indicated (*))						E-commerce laws		
	Policy	Enforcement	Liaison with business	Fraud	Marketing & advertising	Door to door sales or distance selling	Cooling off	Chargebacks	Other	Spamming	Electronic signatures	Other
Australia	✓	✓	✓	✓*	✓*	✓ <sup>1</sup>	✓ <sup>2</sup>	✗ <sup>3</sup>	✓* <sup>4</sup>	✗ <sup>5</sup>	✓	✓ <sup>6</sup>
Brunei Darussalam	7	✓	✓	✓ <sup>8</sup>	✓ <sup>8</sup>				✓ <sup>9</sup>			✓ <sup>10</sup>
Peoples Republic of China	✓	✓	✓	✓*	✓*				✓* <sup>11</sup>	✗	✗	
Hong Kong, China	✓	✓	✓	✓*	✓*				✓* <sup>12</sup>		✓	✓ <sup>13</sup>
Japan	✓	✓	✓	✓ <sup>14</sup> *	✓*	✓*	✓ <sup>15</sup>	✓ <sup>16</sup>	✓* <sup>17</sup>	✓ <sup>18</sup>	✓	✓ <sup>19</sup>
Republic of Korea	✓	✓	✓	✓*	✓*	✓*	✓*	✓*	✓ <sup>20</sup>	✓	✓	✓ <sup>21</sup>
Mexico	✓	✓	✓	✓*	✓*	✓*	✓*			22	23	24
New Zealand	✓	✓	✓	✓*	✓*	✓	✓*	✗	✓* <sup>25</sup>	✗ <sup>26</sup>	Draft	
Republic of the Philippines	✓	✓	✓ <sup>27</sup>	✓	✓				✓ <sup>28</sup>		✓	✓ <sup>29</sup>
Russia	✓	✓	✓	✓*	✓*				✓ <sup>30</sup>	✗	✓	31
Singapore	✓		✓	✓	✓				✓ <sup>32</sup>			✓ <sup>33</sup>
Chinese Taipei	✓	✓	✓		✓	✓* <sup>34</sup>	✓*				✓	
Thailand	✓	✓	✓	✓*	✓*	✓ <sup>35</sup>		✓	✓ <sup>36</sup>	✗	✓	✓ <sup>37</sup>
United States of America	✓	✓	✓	✓*	✓*	✓*	✓*	✓*	✓* <sup>38</sup>		✓	✓ <sup>39</sup>
Vietnam	✗	✗		✓ <sup>40</sup>	✓					✗	✗	✗ <sup>41</sup>

### Notes

#### Australia

- 1 Door-to-door selling legislation is at the State level.
- 2 Cooling off applies in relation to door-to-door selling.
- 3 The Electronic Funds Transfer (EFT) Code, which is a self-regulation measure, does provide for chargebacks.
- 4 Other consumer protection law relates to financial services, privacy, food safety and therapeutic goods. There are also prohibitions on pyramid selling schemes, harassment and coercion, and other unfair practices, as well as unsolicited goods.

- 5 There is no specific law on spamming. However, privacy legislation restricts the use of personal information for the secondary purpose of direct marketing.
- 6 Amendments to privacy legislation apply to information collected and held both online and offline. The Interactive Gambling Act 2001 restricts interactive gambling.

*Brunei Darussalam*

- 7 The Emergency [Price Control Act] [Amendment] Order 1999 provides for the establishment of a National Advisory Council for Consumer Protection. It is yet to be established.
- 8 The applicability of consumer protection laws to Internet transactions has not yet been tested in the courts. However, because the Internet is only a medium for business transactions, the rights of consumers remain the same and the courts would most likely accept the laws as applicable.
- 9 Other laws include sale of goods, unfair contract terms.
- 10 Laws relate to intellectual property, and computer misuse.

*Peoples Republic of China*

- 11 Additional laws relate to prices and product quality. There is a consumer protection law which provides for consumer rights, company responsibilities, consumer protection organisations, and dispute resolution.

*Hong Kong, China*

- 12 Weights and measures, sale of goods, unconscionable contracts, pyramid selling, privacy.
- 13 The Electronic Transactions Ordinance affirms the legal status of electronic records in contract formation and as evidence in court proceedings. It also establishes a voluntary scheme of recognition for certification authorities in Hong Kong.

*Japan*

- 14 New additions to Penal Code prohibit possession of counterfeited payment cards (including credit cards) and skimming cards.
  - 15 Cooling off applies in relation to door-to-door sales, telemarketing sales, multi-level-marketing transactions, specified continuous service offers, business offer soliciting sales transactions.
  - 16 Chargeback rule is available in particular conditions under the Instalment Sales Act.
  - 17 Additional laws regarding consumer protection regarding instalment sales, product liability, consumer contracts, and financial services.
  - 18 METI amended the Specified Commercial Transactions Law on 19 April 2002, and it came into effect on 1 July 2002. According to the amendment:
    - (1) Businesses should stipulate the following in their unsolicited commercial email:
      - a) email address of the businesses
      - b) expression as unsolicited commercial email
      - c) measures for recipients to express their intention to refuse to receive unsolicited commercial emails.
    - (2) Businesses must not send further unsolicited commercial emails to recipients who express their intention to refuse to receive the unsolicited commercial emails from the businesses.
- In order to cope with the problem of spam email, the Law on Regulations of Transmission of Specified Electronic Mail was legislated in April 2002 and came into force in July 2002. The new law requires:
- 1 Businesses to observe the opt-out rule
  - 2 Prohibition of mail transmission using software that generates fictitious email addresses.
  - 3 Telecommunications service operators to make efforts to develop and introduce new technology that can contribute to preventing spam email.
- 19 A voluntary accreditation system ensures reliability of the certification service system.

*Republic of Korea*

- 20 Unfair marketing practices, unfair terms in adhesion contracts, labelling, multi-level sales, and law relating to credit card fraud.
- 21 The Electronic Signatures Act allows the Ministry of Information and Communications to certify cyber shopping malls. A new law on consumer protection in e-commerce came into force on 1 August 2002.

*Mexico*

- 22 The Federal Law for Consumer Protection provides that any consumer is entitled to stop specific suppliers and credit and marketing bureaux from causing disturbance to the consumer at home or at the workplace by any offer for the sale of goods or provision of services or by any research activities, without the consumer's express authorisation. This may apply in respect of spamming.
- 23 There is no specific law on e-commerce, but offers and acceptance may be done electronically, and consumer consent is not necessary for electronic signatures to be used in consumer transactions.
- 24 Information generated by electronic or optical means, or by any other technology, may be used as evidence in civil proceedings.

*New Zealand*

- 25 Other laws relate to privacy; unfair trading practices, including pyramid selling schemes, harassment and coercion; and consumer guarantees (quality of goods and services).
- 26 Although there are not specific anti-spamming laws, the Privacy Act 1993 limits the opportunities for spamming by requiring businesses to advise consumers of the purpose for which information is collected, and by limiting the purposes for which information may be used and disclosed. This limits the on-selling of mailing lists.

*Republic of the Philippines*

- 27 Various members of ConsumerNet have set up mediation procedures to facilitate resolution of consumer complaints and enforcement of consumer protection laws.
- 28 Weights and measures.
- 29 Hacking, theft or destruction of electronic messages, piracy.

*Russia*

- 30 There are laws regarding labelling of goods and requiring the provision of information necessary for consumers to choose to enter a transaction. The Rules of Sale of Goods by Sample could be applied to sale of goods over the Internet. All goods for retail are required to conform to State Standards which ensures certain guarantees as to quality.
- 31 An E-commerce law based on the Uncitral Model Law on Electronic Commerce is under consideration.

*Singapore*

- 32 Other laws relate to pyramid selling schemes, unfair contract terms and quality of goods, hire purchase, weights and measures
- 33 The Electronic Transactions Act provides for the security and use of electronic transactions. Law prohibits unauthorised access to or modification of information on computers.

*Chinese Taipei*

- 34 Purchasing goods over the Internet is considered to be a form of mail-order sale.

*Thailand*

- 35 The Direct Sale and Direct Marketing Act (2002).
- 36 Unfair contract terms.
- 37 Four laws are currently being drafted: Data Protection Law; Computer Crime Law; Electronic Funds Transfer Law; and the National Information Infrastructure Law (a by-law of Article 78 of the Constitutional Law).

*United States of America*

- 38 For example, Truth in Lending and Fair Credit Reporting Act.
- 39 The Children's Online Privacy Protection Act requires parental consent before websites can collect information from children.

*Vietnam*

- 40 The Ordinance on Protection of Consumers Rights has not been implemented.
- 41 An Ordinance or Decree on electronic commerce is planned.

## COMPARATIVE TABLES (2)

Country	Extent of jurisdiction – application to		Enforcement mechanisms						
	Foreign businesses <sup>a</sup>	Foreign consumers <sup>b</sup>	Education	Investigation	Court action	Civil remedies	Criminal fines / penalties	Other	Class actions
Australia	✓ <sup>1</sup>	✓	✓	✓	✓	✓	✓ <sup>2</sup>	✓ <sup>3</sup>	✓
Brunei Darussalam	✗	✗			✓		✓	✓ <sup>4</sup>	✓
Peoples Republic of China	<sup>5</sup>	✓	✓	✓	✓	✓	✓	✓ <sup>6</sup>	
Hong Kong, China	Limited to criminal conduct	Limited to criminal conduct	✓	✓			✓	✓ <sup>7</sup>	
Japan	✓ <sup>8</sup>	Criminal conduct only	✓	✓	✓	✓	✓	✓ <sup>9</sup>	✗
Republic of Korea	✓	✓	✓	✓	✗ <sup>10</sup>	✓	✓	✓ <sup>11</sup>	✗
Mexico	Presence required	✓ <sup>12</sup>	✓			✓	✓	✓ <sup>13</sup>	✓
New Zealand	✓ <sup>14</sup>	Limited application <sup>15</sup>	✓	✓	✓	✓	✓	✓ <sup>16</sup>	Limited availability
Republic of the Philippines	✓	✓	✓			✓	✓	✓ <sup>17</sup>	✓
Russia	✓	✓	✓	✓	✓	✓	✓	✓ <sup>18</sup>	✓
Singapore	Presence required	✓		✓		✓	✓		✗
Chinese Taipei	✓ <sup>19</sup>		✓	✓	✓	✓	✓	✓ <sup>20</sup>	✓
Thailand	✓	✓	✓	✓		✓	✓		✗
United States of America	✓ <sup>21</sup>	✓	✓	✓	✓	✓	✓	✓ <sup>22</sup>	✓
Vietnam					✓	✓			

### Notes

a This refers to foreign businesses selling to domestic consumers and assumes that the foreign business is “doing business” in the domestic consumer’s country

b This applies to domestic businesses selling to foreign consumers and assumes the business is “doing business” domestically.

### Australia

- 1 The Trade Practices Act applies to foreign businesses which “carry on business in Australia”. There must be a strong link with Australia before extra-territorial jurisdiction can be asserted under the Privacy Act.
- 2 Civil remedies only are available under the Privacy Act.
- 3 Enforcement mechanisms under the Trade Practices Act and Australian Securities and Investments Commission Act 2001 include administrative settlement, including the acceptance of court enforceable undertakings; encouragement of co/self-regulatory responses to systemic problems. Enforcement under the Privacy Act is complaints-based. Redress is available and can be enforced through civil action.

*Brunei Darussalam*

4 Under the Price Control Act, the Chief Price Controller and any Senior Price Controller have powers to compound offences.

*Peoples Republic of China*

5 Jurisdiction may depend on existence of agreement between China and country of the foreign business or on international law.

6 National administrative departments may impose punishments including forfeit or revoking business licences.

*Hong Kong, China*

7 The Consumer Council uses conciliation, mediation and the public naming of businesses to obtain consumer remedies and encourage compliance.

*Japan*

8 Criminal law applies to all activities which take place in Japan. Law relating to unjustifiable premiums and misleading representations applies to foreign businesses targeting domestic consumers. The Specified Commercial Transactions Law does not apply to foreign businesses' activities done outside Japan.

9 Some agencies have administrative remedies available, such as the ordering businesses to pay fines, correct improper activity on websites or cease to operate. Some agencies investigate consumer complaints.

*Republic of Korea*

10 Enforcement agencies do not take court action, but may refer matters to the police for prosecution.

11 Transactions can be banned and infringement notices issued.

*Mexico*

12 The Foreigners Conciliation Board is established in PROFECO and undertakes conciliation of the dispute. PROFECO represents the consumer's interests.

13 The Federal Consumers Attorney's Office (PROFECO) has arbitral and conciliation proceedings, and can take administrative enforcement action.

*New Zealand*

14 Civil action can be taken against foreign businesses which they carry on business in New Zealand.

15 Civil or criminal action can be taken against domestic businesses targeting foreign consumers if the conduct also relates to the supply of goods or services in New Zealand. An action is unlikely to succeed regarding foreign consumers if no part of the supply chain takes place in New Zealand, even if business is based there.

16 Complaints investigation by the Privacy Commissioner frequently results in a settlement being reached between the parties.

*Republic of the Philippines*

17 Conciliation and arbitration is used to resolve consumer disputes. Administrative fines can be imposed by the Consumer Arbitration Officer.

*Russia*

18 Order N837 "On Support of Public Consumer Rights Protection Movement" contains a variety of mechanisms to promote consumer protection, including encouraging consumer organisations to participate in inspecting compliance with legislation, accrediting certification authorities and conducting laboratory tests on conformity of goods with safety requirements.

*Chinese Taipei*

19 Jurisdiction is asserted against foreign businesses doing business in Chinese Taipei.

20 Administrative fines may be imposed, which can be enforced through courts, in addition to civil remedies and any applicable criminal penalties.

*United States of America*

21 Subject to the courts being able to establish personal jurisdiction over the defendant.

22 The Federal Trade Commission can obtain an administrative cease and desist order barring unfair or deceptive practices.

### COMPARATIVE TABLES (3)

Country	International co-operation by enforcement agencies		Private sector				Non-Government Organisations			
	Existing agreements	co-operation	Absence of barriers to co-operation	Public sector codes for self-regulation	Self-regulation for online B2C	Credit card protection	Other initiatives	Advisory <sup>a</sup>	Advocacy <sup>b</sup>	Information <sup>c</sup>
Australia	✓		✗ <sup>1</sup>	✓	<sup>2</sup>	✓	✓ <sup>3</sup>		✓	✓
Brunei Darussalam	✗		✓ <sup>4</sup>	✗	✗	✗	✗	✓	✓	✓
Peoples Republic of China	✓		✓	✓	✗			✓	✓ <sup>5</sup>	✓
Hong Kong, China					✓	✓	✓		✓	✓
Japan	✓		✓	✗	✓	✓	✓	✓	✓	✓
Republic of Korea	✓			✓	✓	✓	✓ <sup>6</sup>	✓	✓	✓
Mexico	✓		✓	✓ <sup>7</sup>	✓	✓		✓	✗	✗
New Zealand	✓		✗ <sup>8</sup>	✓	✓	✓	✓	✓	✓	✓
Republic of the Philippines	✗			✗	✗	✓	✓			✓
Russia	✓		✓	✓	✓	✓		✓	✓	✓
Singapore					✓	✗	✓	✓	✓	✓
Chinese Taipei	✗		✓	✗	✓			✓	✓	✓
Thailand				✓	✗	✓	✓	✓	✓	✓
United States of America	✓			✓	✓	<sup>9</sup>	✓		✓	✓
Vietnam	✗		✗ <sup>10</sup>	✗	✗		✓ <sup>11</sup>	✓	✓	✓

#### Notes

a Advisory services provided to individual consumers.

b Advocacy in this context means advocating for consumer protection issues generally, rather than providing advocacy services for individual consumers.

c Information/education provided to consumers.

#### Australia

1 The Privacy Act limits information sharing of details of complainants, although this is overcome by obtaining consent, especially in relation to complaints on *econsumer.gov* (International Marketing Supervision Network pilot project). Limitations on recognition and enforcement of foreign judgments are not fully known.

2 Private sector codes for privacy and online gambling are being developed for the Internet industry. There is already a code for offensive conduct which applies to the Internet industry.

3 Initiatives include adoption of 'consumer friendly' features such as safe shopping tips, fraud and delivery protection, feedback forums, dispute resolution mechanisms, links to consumer affairs agencies, establishment of online marketplaces with approved merchants.

#### Brunei Darussalam

4 There are no barriers *per se*. Entering into any agreement is dependent on the provisions of the agreement and whether Brunei is able to comply with specific provisions of that agreement.



*Peoples Republic of China*

5 Consumer protection associations investigate and deal with consumer complaints.

*Korea*

6 Campaigns to cut the handling commission of credit card merchants.

*Mexico*

7 Federal Consumer Protection Law provides for private sector to promote codes of ethics, in co-operation with Ministry of Economy, in order to use e-commerce. The law sets out requirements which are applied to all consumer transactions which include confidentiality of information, security, providing contact details for the business, disclosing terms and conditions, additional charges, and payment methods. There is also the Federal Law of Economic Competence which can be used to support the development of self-regulatory schemes.

*New Zealand*

8 The Commerce Commission's powers are expressly linked to enforcement of the Fair Trading Act 1986, which limits in a practical way the use of these powers to assist overseas investigations into matters which do not fall within the jurisdiction of the Fair Trading Act.

*United States of America*

9 Payment card protections are available under law.

*Vietnam*

10 An enforcement agency has not yet been established.

11 Efforts have been made to improve businesses' image regarding product quality, design and price.

## LINKS TO CONSUMER PROTECTION-RELATED RESOURCES AND ORGANISATIONS

**Table 1 – National Agencies**

Economy	National agencies	Link
Australia	<p><i>Policy agency:</i></p> <p>Consumer Affairs Division of Department of Treasury - consumer information website</p> <p><i>Enforcement agencies:</i></p> <p>Australian Competition and Consumer Commission (trade practices law at Commonwealth level)</p> <p>Australian Securities and Investments Commission (consumer protection in financial services)</p> <p>Federal Privacy Commissioner (privacy law at Commonwealth level)</p>	<p><a href="http://www.treasury.gov.au">http://www.treasury.gov.au</a></p> <p><a href="http://www.consumersonline.gov.au">http://www.consumersonline.gov.au</a></p> <p><a href="http://www.accc.gov.au">http://www.accc.gov.au</a></p> <p><a href="http://www.asic.gov.au">http://www.asic.gov.au</a></p> <p><a href="http://www.privacy.gov.au">http://www.privacy.gov.au</a></p>
Japan	<p>Ministry of Public Management, Home Affairs, Posts and Telecommunications (MPHPT) – <i>responsible for law on electronic signature and certification services</i></p> <p>Ministry of Justice (MOJ) – <i>responsible for law on fraud, computer fraud, illegal production of electro-magnetic records, electronic signature and certification services</i></p> <p>Public Prosecutors Office (PPO) – <i>investigates criminal acts</i></p> <p>National Police Agency (NPA) – <i>investigates criminal acts</i></p> <p>Ministry of Economy, Trade and Industry (METI) – <i>responsible for law on electronic signature and certification services, mail order and instalment sales; investigates online shopping sites (Internet Surf)</i></p> <p>Cabinet Office (CAO) - <i>responsible for Consumer Protection Fundamental Act, and law on product liability and consumer contracts; consumer and business education, investigates consumer complaints</i></p> <p>Fair Trade Commission (FTC) – <i>enforces law on unjustifiable premiums and misleading representations</i></p> <p>Financial Services Agency (FSA) – <i>responsible for law regulating sales of financial products; promotes public understanding of financial products and transactions</i></p>	<p><a href="http://www.soumu.go.jp/english/index.html">Http://www.soumu.go.jp/english/index.html</a></p> <p><a href="http://www.moj.go.jp/ENGLISH/preface.html">Http://www.moj.go.jp/ENGLISH/preface.html</a></p> <p><a href="http://www.moj.go.jp/ENGLISH/ppo-01.html">Http://www.moj.go.jp/ENGLISH/ppo-01.html</a></p> <p><a href="http://www.npa.go.jp/police-e.htm">Http://www.npa.go.jp/police-e.htm</a></p> <p><a href="http://www.meti.go.jp/english/index.html">Http://www.meti.go.jp/english/index.html</a></p> <p><a href="http://www.consumer.go.jp/e/index.html">http://www.consumer.go.jp/e/index.html</a></p> <p><a href="http://www.jftc.go.jp/e-page/f_home.htm">Http://www.jftc.go.jp/e-page/f_home.htm</a></p> <p><a href="http://www.fsa.go.jp/indexe.html">Http://www.fsa.go.jp/indexe.html</a></p>
Republic of Korea	<p>Ministry of Finance and Economy (MOFE) – <i>responsible for law relating to credit card fraud, credit card chargebacks consumer protection, and product liability</i></p> <p>Ministry of Justice (MOJ) – <i>responsible for criminal law</i></p> <p>Ministry of Commerce, Industry and Energy (MOCIE) – <i>responsible for law relating to electronic transactions</i></p> <p>Ministry of Information and Communication (MIC) – <i>responsible for law relating to, electronic signatures and certification</i></p> <p>Fair Trade Commission (FTC) - <i>enforces law relating to unfair marketing practices, unfair labelling practices, door to door sales</i></p> <p>- Consumer World (consumer information website)</p>	<p><a href="http://www.mofe.go.kr/mofe/eng/e_index.htm">http://www.mofe.go.kr/mofe/eng/e_index.htm</a></p> <p><a href="http://www.moj.go.kr/eng/index.php">http://www.moj.go.kr/eng/index.php</a></p> <p><a href="http://www.mocie.go.kr">http://www.mocie.go.kr</a></p> <p><a href="http://www.mic.go.kr">http://www.mic.go.kr</a></p> <p><a href="http://www.ftc.go.kr/english/html/index.htm">http://www.ftc.go.kr/english/html/index.htm</a></p> <p><a href="http://www.consumer.go.kr">Http://www.consumer.go.kr</a></p>

Economy	National agencies	Link
Korea cont....	<p>National Police Agency (NPA)</p> <p>Financial Supervisory Service (FSS) – <i>responsible for law relating to specialised credit, including credit card chargebacks</i></p> <p>Korea Consumer Protection Board (KCPB) – <i>responsible for investigating consumer complaints about breach of consumer protection law</i></p>	<p><a href="http://www.police.go.kr/police_index.html">http://www.police.go.kr/police_index.html</a></p> <p><a href="http://www.fss.or.kr/fss/english/english.fss.intro.html">http://www.fss.or.kr/fss/english/english.fss.intro.html</a></p> <p><a href="http://www.cpb.or.kr/english/index.html">http://www.cpb.or.kr/english/index.html</a></p>
Mexico	<p>Ministry of Economy (Secretaría de Economía) – <i>issues Mexican Official Standards under Federal Consumer Protection Law</i></p> <p>- Marketing and International Practices Unit</p> <p>Federal Consumers Attorney's Office (PROFECO) – <i>certifies compliance with consumer protection law, provides consumer information/education, takes arbitral and conciliation proceedings, issues administrative penalties</i></p> <p>- Foreigners Conciliation Board (email address)</p>	<p><a href="http://www.economia.gob.mx">Http://www.economia.gob.mx</a></p> <p><a href="http://www.upci.gob.mx">http://www.upci.gob.mx</a></p> <p><a href="http://www.profeco.gob.mx">http://www.profeco.gob.mx</a></p> <p><a href="mailto:extranjeros@profeco.gob.mx">extranjeros@profeco.gob.mx</a></p>
New Zealand	<p>Ministry of Consumer Affairs – <i>broad responsibility for consumer protection regulation, including pre-sale and post-sale legislation, weights and measures, energy safety</i></p> <p>- educational site for children and young people</p> <p>Commerce Commission – <i>enforcement of fair trading and competition legislation</i></p> <p>Ministry of Health – <i>responsibility for food safety and food standards</i></p> <p>Australia New Zealand Food Authority – <i>sets joint food standards for Australia and New Zealand</i></p> <p>Medsafe – <i>a division of the Ministry of Health, with responsibility for the safety of medicines and therapeutic goods</i></p> <p>Disputes Tribunals – <i>part of the courts system, enable inexpensive and low key dispute resolution</i></p> <p>Privacy Commissioner – <i>Crown entity responsible for enforcing the Privacy Act 1993</i></p>	<p><a href="http://www.consumer-ministry.govt.nz">http://www.consumer-ministry.govt.nz</a></p> <p><a href="http://www.consumerkids.govt.nz">http://www.consumerkids.govt.nz</a></p> <p><a href="http://www.comcom.govt.nz">http://www.comcom.govt.nz</a></p> <p><a href="http://www.moh.govt.nz">http://www.moh.govt.nz</a></p> <p><a href="http://www.anzfa.govt.nz">http://www.anzfa.govt.nz</a></p> <p><a href="http://www.medsafe.govt.nz">http://www.medsafe.govt.nz</a></p> <p><a href="http://www.courts.govt.nz">http://www.courts.govt.nz</a></p> <p><a href="http://www.privacy.org.nz">http://www.privacy.org.nz</a></p>
Philippines	Link to member agencies of ConsumerNet	<a href="http://www.dti.gov.ph/btrep/web_prog/links.htm">http://www.dti.gov.ph/btrep/web_prog/links.htm</a>
Russia	<p>Ministry for Antitrust Policy &amp; Business Support of the Russian Federation (MAP)</p> <p>Ministry for Economic Development &amp; Trade of the Russian Federation</p> <p>Ministry of Internal Affairs of the Russian Federation (MIA)</p> <p>State Committee for Standardisation and Metrology</p> <p>Ministry for Public Health of the Russian Federation</p> <p>Ministry of Transport of the Russian Federation</p>	<p><a href="http://www.maprus.ru">http://www.maprus.ru</a></p> <p><a href="http://www.economy.gov.ru">http://www.economy.gov.ru</a></p> <p><a href="http://www.mvdinform.ru">http://www.mvdinform.ru</a></p> <p><a href="http://www.gosk.ru">http://www.gosk.ru</a></p> <p><a href="http://www.gsen.ru">http://www.gsen.ru</a></p> <p><a href="http://www.minzdrav-rf.ru">http://www.minzdrav-rf.ru</a></p> <p><a href="http://www.mintrans.ru">http://www.mintrans.ru</a></p>
Chinese Taipei	Consumer Protection Commission	<a href="http://www.cpc.gov.tw">http://www.cpc.gov.tw</a>

Economy	National agencies	Link
Thailand	Office of Consumer Protection Board (OCPB) – <i>enforces law relating to consumer protection in many areas, except for health care products, and some products</i> Food and Drug Administration (FDA), Ministry of Public Health – <i>responsible for health care products, narcotic drugs, pesticides, psychotropic substances etc</i>	<a href="http://www.thaiconsumer.net">http://www.thaiconsumer.net</a> <a href="http://www.fda.moph.go.th">http://www.fda.moph.go.th</a>
United States of America	US Federal Trade Commission (FTC) – <i>broad jurisdiction over consumer protection matters</i> - consumer information website - consumer complaints portal (IMSN – hosted by FTC) Consumer Product Safety Commission – <i>product safety in home, schools, recreation</i> Federal Communications Commission – <i>competition in communications markets</i> Federal Reserve Board – <i>banking and financial system, protects credit rights of consumers-</i> Food and Drug Administration – <i>concerned with safety of food, cosmetics, medicines, etc</i> National Highway Traffic Safety Administration – <i>safety and performance standards for motor vehicles, public safety programmes</i> Securities and Exchange Commission – <i>fairness of securities markets</i>	<a href="http://www.ftc.gov">http://www.ftc.gov</a> <a href="http://www.consumer.gov">http://www.consumer.gov</a> <a href="http://www.econsumer.gov">http://www.econsumer.gov</a> <a href="http://www.cpsc.gov">http://www.cpsc.gov</a> <a href="http://www.fcc.gov">http://www.fcc.gov</a> <a href="http://www.fed.gov">http://www.fed.gov</a> <a href="http://www.fda.gov">http://www.fda.gov</a> <a href="http://www.nhtsa.gov">http://www.nhtsa.gov</a> <a href="http://www.sec.gov">http://www.sec.gov</a>

**Table 2 – Laws, regulations and public sector-developed codes of practice**

Economy	Laws, regulations and public sector-developed codes of practice/principles	Link
Australia	<p><i>Legislation:</i></p> <p>Trade Practices Act 1974</p> <p>Australian Securities and Investments Commission Act 2001</p> <p>Privacy Act 1988</p> <p><i>Codes of practice for the private sector:</i></p> <p>Building Consumer Sovereignty in Electronic Commerce: A Best Practice Model for Business</p> <p>Electronic Funds Transfer Code of Conduct</p>	<p><a href="http://scaleplus.law.gov.au/html/pasteact/0/115/top.htm">http://scaleplus.law.gov.au/html/pasteact/0/115/top.htm</a></p> <p><a href="http://scaleplus.law.gov.au/html/pasteact/3/3449/top.htm">http://scaleplus.law.gov.au/html/pasteact/3/3449/top.htm</a></p> <p><a href="http://www.privacy.gov.au/publications/privacy88_51101.rtf">http://www.privacy.gov.au/publications/privacy88_51101.rtf</a></p> <p><a href="http://www.ecommerce.treasury.gov.au/html/ecommerce.htm">http://www.ecommerce.treasury.gov.au/html/ecommerce.htm</a></p> <p><a href="http://www.asic.gov.au/fido/fido.nsf">http://www.asic.gov.au/fido/fido.nsf</a></p>
Mexico	<p>Mexican Official Standards</p> <p>Consumer protection laws and Federal Law of Economic Competence</p>	<p><a href="http://www.economia.gob.mx/normas">http://www.economia.gob.mx/normas</a></p> <p><a href="http://www.economia.gob.mx">http://www.economia.gob.mx</a></p>
New Zealand	<p><i>Legislation</i></p> <p>New Zealand statutes are available online (unconsolidated, so amendments need to be searched for separately)</p> <p>Codes of practice under the Privacy Act 1993 (these codes have status of legislation)</p> <p>Electronic Transactions Bill</p> <p><i>Codes of practice for the private sector</i></p> <p>Model Code for Consumer Protection in Electronic Commerce</p> <p>Guideline for Developing a Code of Practice</p>	<p><a href="http://www.knowledge-basket.co.nz/tkbgp/welcome.html">http://www.knowledge-basket.co.nz/tkbgp/welcome.html</a></p> <p><a href="http://www.privacy.org.nz">http://www.privacy.org.nz</a></p> <p><a href="http://www.med.govt.nz/irdev/elecom/transactions/index.html">http://www.med.govt.nz/irdev/elecom/transactions/index.html</a></p> <p><a href="http://www.consumer-ministry.govt.nz/Model_Code.html">http://www.consumer-ministry.govt.nz/Model_Code.html</a></p> <p><a href="http://www.consumer-ministry.govt.nz/discussion_papers/dp_codes_of_practice.html">http://www.consumer-ministry.govt.nz/discussion_papers/dp_codes_of_practice.html</a></p>
Chinese Taipei	<p>Consumer Protection Law</p>	<p><a href="http://www.cpc.gov.tw">http://www.cpc.gov.tw</a></p>
Thailand	<p><i>Legislation</i></p> <p>Consumer Protection Act 1979</p> <p>The Direct Sale and Direct Marketing Act 2002</p>	<p><a href="http://www.thaiconsumer.net">http://www.thaiconsumer.net</a></p> <p><a href="http://www.krisdika.go.th">http://www.krisdika.go.th</a></p>
United States of America	<p><i>Legislation</i></p> <p>Consumer protection laws enforced by the Federal Trade Commission</p> <p>FTC Rules</p> <p>Children's Online Privacy Protection Act</p> <p>Electronic Signatures in Global and National Commerce Act (ESIGN)</p>	<p><a href="http://www.ftc.gov/ogc/stats.htm">http://www.ftc.gov/ogc/stats.htm</a></p> <p><a href="http://www.ftc.gov/ftc/consumer.htm">http://www.ftc.gov/ftc/consumer.htm</a></p> <p><a href="http://www.ftc.gov/ogc/coppa1.pdf">http://www.ftc.gov/ogc/coppa1.pdf</a></p> <p><a href="http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=106_cong_bills&amp;docid=f:s761enr.txt.pdf">http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=106_cong_bills&amp;docid=f:s761enr.txt.pdf</a></p>

**Table 3 – Private sector self-regulation online**

Economy	Private sector self-regulation online	Link
Australia	Internet Industry Association	<a href="http://www.iiia.net.au">http://www.iiia.net.au</a>
Korea	Self inquiry codes on ARS telephone service (Korea Information and Contents Business Association) Self marketing guideline (Korea Direct Marketing Association) Self regulation on marketing practices of securities companies (Korea Securities Dealers Association)	<a href="http://www.kiba.or.kr">http://www.kiba.or.kr</a> <a href="http://www.kodma.or.kr">http://www.kodma.or.kr</a> <a href="http://www.ksda.or.kr">http://www.ksda.or.kr</a>
Mexico	Business Development programme National Commission for Defence of Financial Services Users	<a href="http://www.economia.gob.mx">http://www.economia.gob.mx</a> <a href="http://www.spice.gob.mx">http://www.spice.gob.mx</a> <a href="http://www.condusef.gob.mx">http://www.condusef.gob.mx</a>
New Zealand	Electronic Marketing Standards Authority Direct Marketing Association Advertising Standards Authority	<a href="http://www.emsa.co.nz">http://www.emsa.co.nz</a> <a href="http://www.dma.co.nz">http://www.dma.co.nz</a> <a href="http://www.asa.co.nz">http://www.asa.co.nz</a>
Singapore	CaseTrust	<a href="http://www.casetrust.com.sg">http://www.casetrust.com.sg</a>
Chinese Taipei	Secure Online Shopping Association Secure Online seal programme	<a href="http://www.sosa.org.tw">http://www.sosa.org.tw</a> <a href="http://www.secureonline.com.tw">http://www.secureonline.com.tw</a>
United States of America	Better Business Bureau – Reliability Seal Program	<a href="http://www.bbbonline.org/businesses/code/draft/index.htm">http://www.bbbonline.org/businesses/code/draft/index.htm</a>

**Table 4 – Non-government organisations**

Economy	Non-government organisations	Link
Australia	Australian Consumers' Association Consumers' Federation of Australia	<a href="http://www.choice.com.au">http://www.choice.com.au</a> <a href="http://www.home.vicnet.net.au/~consumer/welcome.html">http://www.home.vicnet.net.au/~consumer/welcome.html</a>
Brunei Darussalam	Consumers Association of Brunei Darussalam	Email: <a href="mailto:cab_darussalam2001@yahoo.com">cab_darussalam2001@yahoo.com</a>
Peoples Republic of China	Consumer protection association	<a href="http://www.cca.org.cn">http://www.cca.org.cn</a>
Japan	Japan Association of Consumer Affairs Specialists – <i>advisory service for consumers, advocacy on consumer issues, consumer information / education</i> Lawyers for Internet Consumers Problem - <i>advisory service for consumers, advocacy on consumer issues, consumer information / education</i> Guardian Angels Japan - <i>advisory service for consumers, advocacy on consumer issues, consumer information / education</i> Shirogane Cyberpol - <i>advisory service for consumers, advocacy on consumer issues, consumer information / education</i> Web110 - <i>advisory service for consumers, advocacy on consumer issues, consumer information / education</i> National Institute on Consumer Education - <i>advocacy on consumer issues, consumer information / education</i> Housewives' Association - <i>advocacy on consumer issues, consumer information / education</i> National Liaison Committee of Consumers' Organizations (Shodanren) - <i>advocacy on consumer issues, consumer information / education</i> Japan Engineers Federation - <i>advisory service for consumers, advocacy on consumer issues, consumer information / education</i> Mailing list LIFE - <i>consumer information / education</i> Committee on Consumer Problems, Japan Federation of Bar Associations - <i>advocacy on consumer issues, consumer information / education</i>	<a href="http://www.zenso.or.jp/">http://www.zenso.or.jp/</a> <a href="http://www1.newweb.ne.jp/wb/licp/">http://www1.newweb.ne.jp/wb/licp/</a> <a href="http://www.angels.or.jp">http://www.angels.or.jp</a> <a href="http://www.scyberpol.org/">http://www.scyberpol.org/</a> <a href="http://www.web110.com/">http://www.web110.com/</a> <a href="http://www1e.mesh.ne.jp/nice/">http://www1e.mesh.ne.jp/nice/</a> (site also available in English) <a href="http://www.shufuren.gr.jp/">http://www.shufuren.gr.jp/</a> <a href="http://www.shodanren.gr.jp/">http://www.shodanren.gr.jp/</a> <a href="http://www.jef-site.org/">http://www.jef-site.org/</a> <a href="http://www.life-ml.com/">http://www.life-ml.com/</a> <a href="http://www.nichibenren.or.jp/index.htm">http://www.nichibenren.or.jp/index.htm</a> (site also available in English)
Korea	Korea National Council of consumer organisations	<a href="http://www.consumernet.or.kr">http://www.consumernet.or.kr</a> <a href="http://www.jubuclub.or.kr">http://www.jubuclub.or.kr</a> <a href="http://www.nchc.or.kr">http://www.nchc.or.kr</a> <a href="http://www.gen.or.kr">http://www.gen.or.kr</a> <a href="http://www.ymca.or.kr">http://www.ymca.or.kr</a> <a href="http://www.consumerunion.or.kr">http://www.consumerunion.or.kr</a>

Economy	Non-government organisations	Link
Mexico	Mexican Association of Studies for the Consumer Defense (AMEDEC) – <i>advisory service for consumers</i>	<a href="mailto:Amedec@secsapodernet.com.mx">Amedec@secsapodernet.com.mx</a>
New Zealand	New Zealand Consumers' Institute - <i>advocacy on consumer issues, consumer information / education</i>	<a href="http://www.consumer.org.nz">http://www.consumer.org.nz</a>
Russia	Citizens' Advice Bureaux - <i>advisory service for consumers, consumer information / education</i> Omsk Union of Consumers "Shield" "Stolitsa" – Union of Consumers "Khabar" - Consumers Association National Found of Consumer Protection Consumers Union of Penza	<a href="http://www.cab.org.nz">http://www.cab.org.nz</a> <a href="mailto:Schit@mail.ru">Schit@mail.ru</a> <a href="http://www.cityline.ru/~stolitsa/">http://www.cityline.ru/~stolitsa/</a> <a href="http://www.khabar.finmaster.ru">http://www.khabar.finmaster.ru</a> <a href="http://www.a-z.ru/assoc/zapotreb/">http://www.a-z.ru/assoc/zapotreb/</a> <a href="http://www.tl.ru/~psp/">http://www.tl.ru/~psp/</a>
Chinese Taipei	Consumers Foundation - <i>advisory service for consumers, advocacy on consumer issues, consumer information / education</i> Internet Consumers Protection Association - <i>advisory service for consumers, advocacy on consumer issues, consumer information / education</i>	<a href="http://www.consumers.org.tw">http://www.consumers.org.tw</a> <a href="http://www.net080.com.tw">http://www.net080.com.tw</a>
Thailand	Foundation for Consumer Protection and its alliance Contact details for NGOs promoting consumer protection in Thailand	<a href="http://www.galathai.org">http://www.galathai.org</a> <a href="http://www.fda.moph.go.th/ngo.address.shtml">http://www.fda.moph.go.th/ngo.address.shtml</a> (Thai)
United States of America	National Consumers League	<a href="http://www.nclnet.org">http://www.nclnet.org</a>
Vietnam	Vietnam Standard and Consumers Association (VINASTAS)	2/B7 Ton That Tung St, Hanoi, Vietnam Tel/Fax (844) 8527769 Email: <a href="mailto:vinastas@fpt.vn">vinastas@fpt.vn</a>